

# Land Use Code Amendments

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Public Hearing

City Council Study Session

February 11, 2013

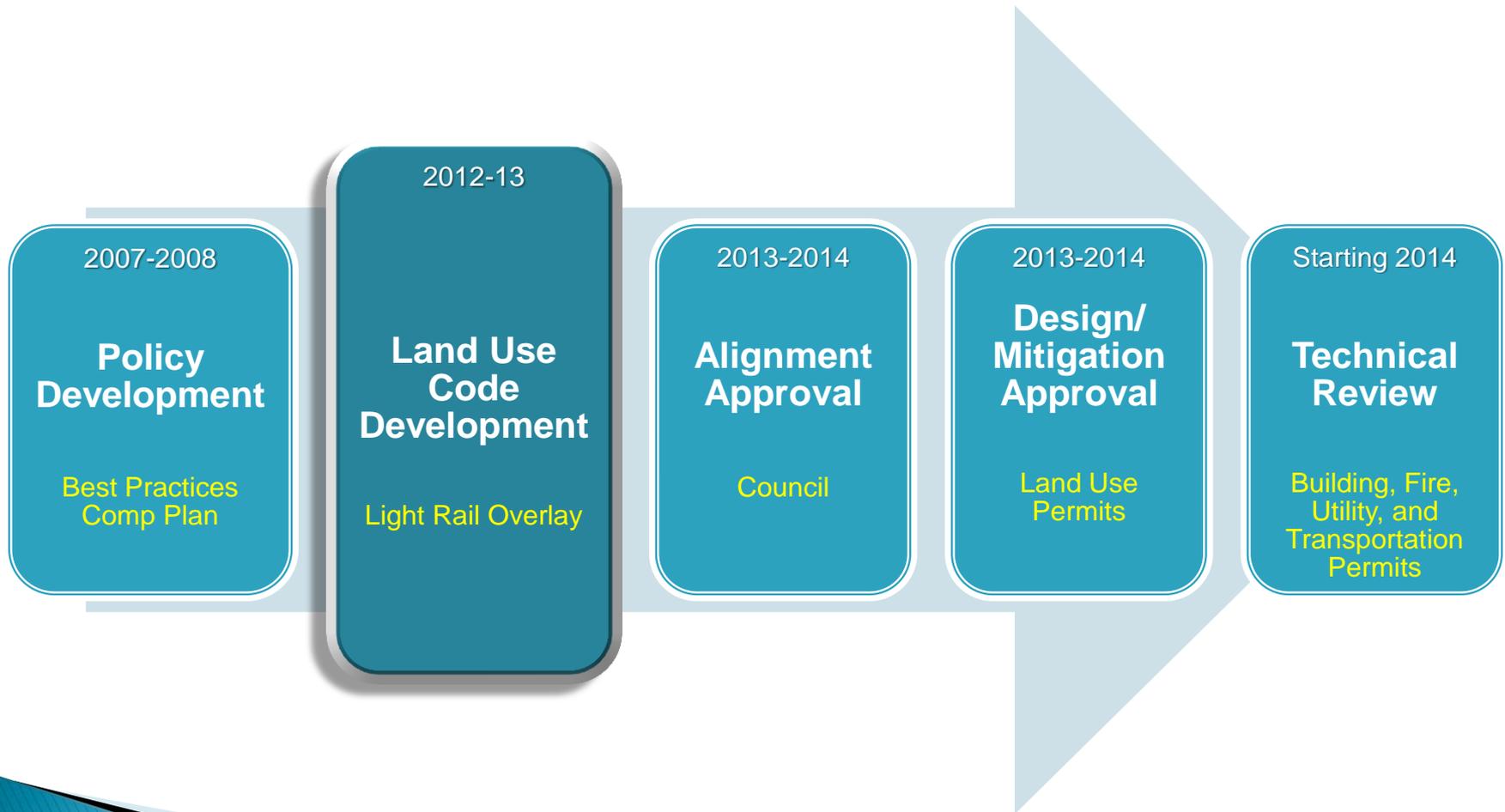
# Code Amendment Public Hearing

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- ▶ Staff Report – Summarize the Overlay
- ▶ Conduct Public Hearing
- ▶ Council Discussion
- ▶ Schedule and Next Steps

# Process Context

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# Council Discussion Topics

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## ▶ 2012

- October 4 – First release of Draft Overlay
- October 22 – First Public Hearing on Draft Overlay
- November 13 – CUP process and use of Light Rail Best Practices
- December 3 – Landscaping and setback issues
  - Linear alignment south of Downtown
  - Traction Power Substation (TPSS) treatment
- December 10 – Design requirements for elevated segments and application of critical areas requirements

## ▶ 2013

- January 7 – Focus on South Bellevue Park & Ride
- January 22 – Citizen Advisory Committee (CAC) process
- January 28 – Design issues in Bel-Red and exclusion of Operations & Maintenance Satellite Facility (OMSF) from Overlay
- February 4 – Review of revised draft code amendment

# Land Use Code Amendments: Why Now?

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- ▶ City commitment in MOU with Sound Transit
- ▶ Cannot prohibit Essential Public Facility with policies/codes
- ▶ Address gaps where code does not provide clear guidance or where requirements don't make sense
  - Create design standards/guidelines specific to light rail
  - Clearly identify development standards consistent with Land Use Code & Light Rail Best Practices
- ▶ Guide work of city staff through collaborative design process
- ▶ Create process consistency

# Process Inconsistency and Regulatory Gaps

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- ▶ East Link passes more than 20 land use districts:
  - Differing levels of required review
  - Differing applicability of standards
- ▶ Almost half of East Link is in ROW where land use provisions typically do not apply
- ▶ LU Code lacks content specific design guidelines



# Regional Light Rail Overlay

(What the draft code amendment is . . .)

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- ▶ The Overlay is a code organization framework
- ▶ It tailors Essential Public Facility regulations to the specifics of a light rail use
- ▶ It is a new “part” of the LUC where applicable regulations are consolidated to provide:
  - Context sensitive facility design outcomes
  - Process consistency across the alignment
  - Code certainty and predictability
  - Ease of use, administration and enforcement
- ▶ It builds on prior Comprehensive Plan policy and Light Rail Best Practices work

# Debunking Myths

(What the draft code amendment is not . . .)

- ▶ It is not an amendment to any technical codes (i.e., noise, stormwater, construction standards)
- ▶ It is not an approval of the East Link alignment or cost savings alternatives
- ▶ It is not an approval of the design or required mitigation
- ▶ It is not a change to Comprehensive Plan policy (TOD areas not expanded with Draft Amendment)

# Overlay\* – Organized by Code Section

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- ▶ General Sections and Definitions
- ▶ Required Light Rail Permits
- ▶ Citizen Advisory Committee Involvement in Permitting
- ▶ Development Standards
- ▶ Design Guidelines
- ▶ Administrative Modification Process

\* Separate Ordinance for Conformance Amendments

# General Sections and Definitions

## LUC 20.25M.010 and .020

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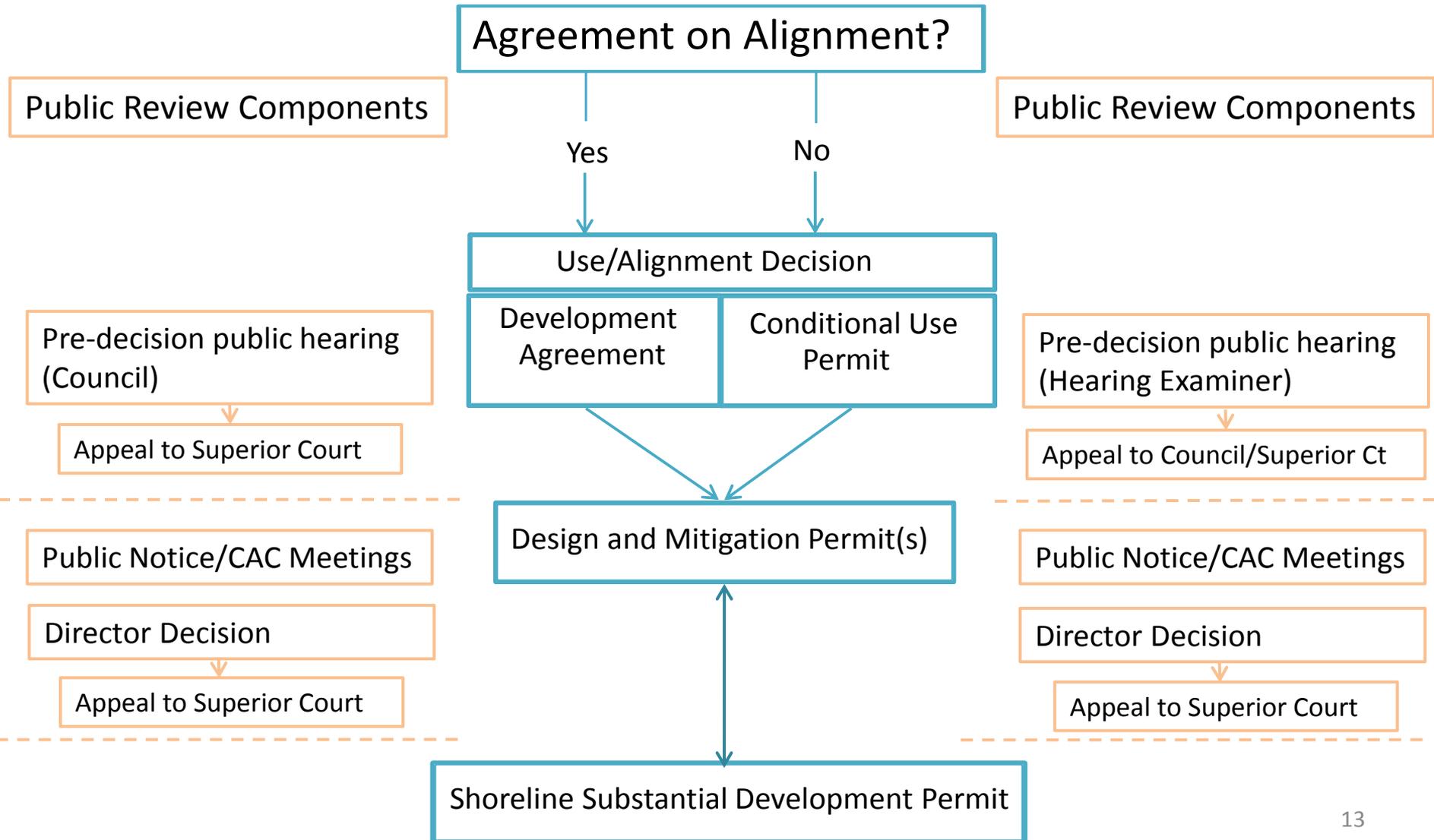
- ▶ Identifies where the Light Rail Overlay applies
- ▶ Articulates purpose to ensure compliance with:
  - MOU commitments
  - Comprehensive Plan
  - Light Rail Best Practices
- ▶ Describes when a transit authority may apply for permits:
  - Property interest
  - Consent of the owner
  - Board authorization to acquire
- ▶ Incorporates applicable code sections by reference
- ▶ Provides definitions
  - Excludes Operation and Maintenance Satellite Facility

# Light Rail Use Approval Process– Two Process Path

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- ▶ Development Agreement, Ordinance, Resolution
  - LUC 20.25M.030.B.1
  - When City Council is in agreement with the alignment
  
- ▶ Conditional Use Permit
  - LUC 20.25.030.B.2
  - When City Council is not in agreement with the alignment

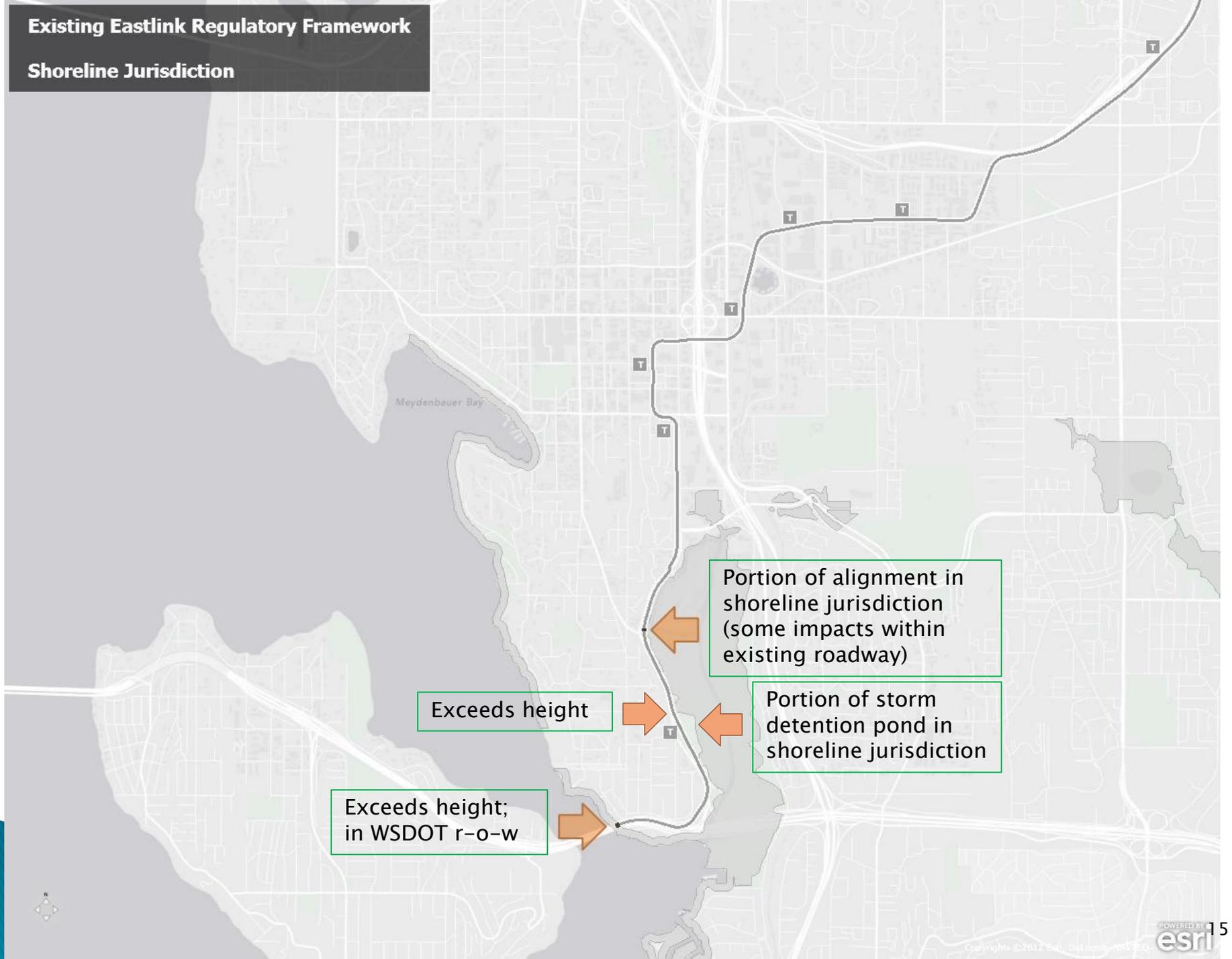
# Overlay Permit Paths



# Design and Mitigation Review – LUC 20.25M.030.C

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- ▶ Required following approval of Light Rail Use
- ▶ Review requires finding of consistency with:
  - Comprehensive Plan
  - Light Rail Best Practices
  - Previously approved DA or CUP
  - Applicable requirements of Bellevue City Code
  - Citizen Advisory Committee review requirements
- ▶ Consolidates Process II permits where allowed
  - Design Review
  - Critical Areas Permit
  - Separate Shoreline Substantial Development Permit



Exceeds height;  
in WSDOT r-o-w

Exceeds height

Portion of alignment in  
shoreline jurisdiction  
(some impacts within  
existing roadway)

Portion of storm  
detention pond in  
shoreline jurisdiction



# Citizen Advisory Committee Review

## LUC 20.25M.035

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- ▶ Integrates CAC into Design and Mitigation Review to ensure context sensitive outcome
- ▶ Requires early CAC formation with members that have relevant experience
- ▶ Defines the scope of the CAC work and expected work product
- ▶ Requires CAC involvement process to be consolidated with permit review
- ▶ Provides Policy guidance for CAC review
- ▶ Describes CAC meeting operations

# Development Standards

## LUC 20.25M.040

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- ▶ Development Standards are rigid
  - Example: dimensional requirements
- ▶ Standards must be met in the absence of a modification approval
- ▶ Draft Amendment includes:
  - Dimensional requirements
  - Landscape development requirements
  - Impact mitigation requirements including: fencing, light and glare, parking and circulation, waste collection, and critical areas

# Design Guidelines

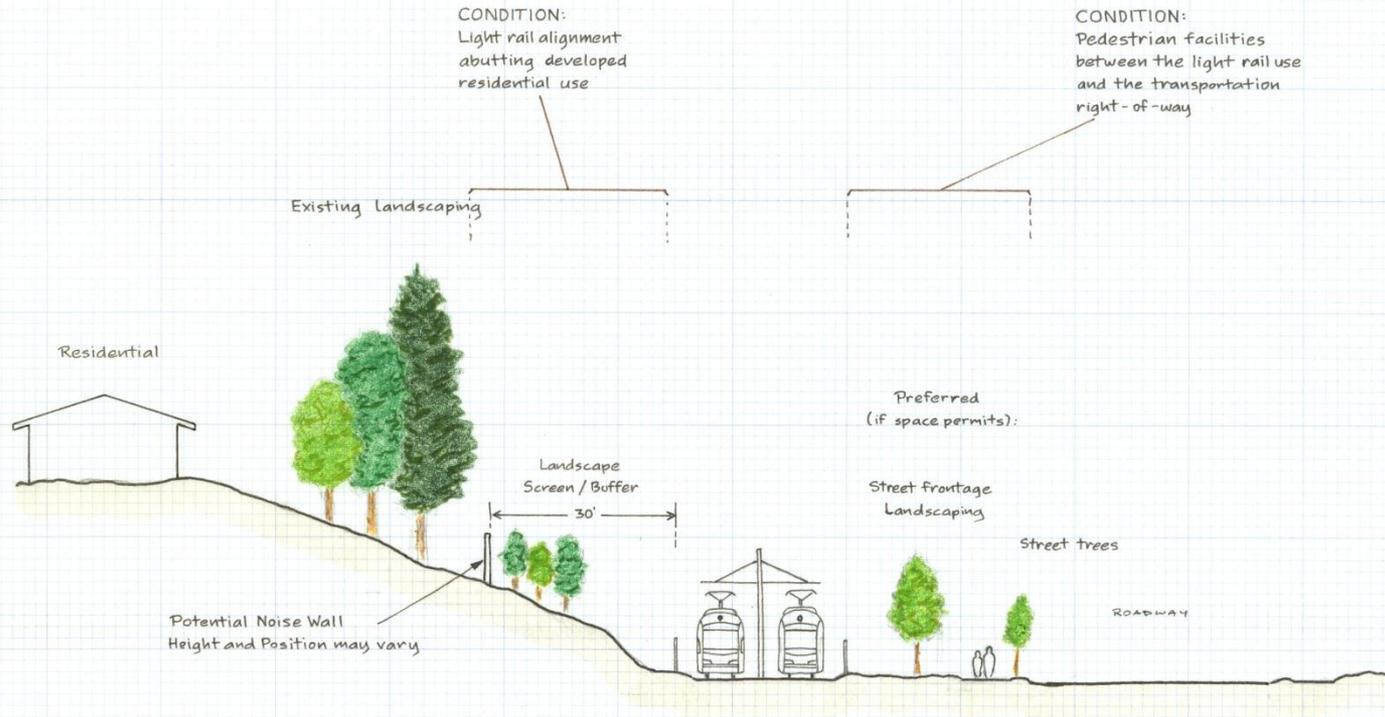
## LUC 20.25M.050

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- ▶ Design Guidelines are more flexible
  - Each guideline could generate numerous solutions
  - Varied and imaginative designs are encouraged
  
- ▶ Draft Amendment includes:
  - Statement of Design Intent
  - Contextual and design considerations to guide CAC review
  - General guidelines applicable to all light rail project components
  - Specific guidelines applicable to:
    - Stations
    - Traction Power Substations
    - Ventilation structures
    - Signs
    - Retaining walls and Acoustical barriers
    - Signal bungalows

# Residential Development Screening

— 20.25M.040.C.3.a.iii



# Landscape Development –

## 20.25M.040.C

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- ▶ Includes landscape development standards for:
  - Non-Linear Facilities (TPSS/other above ground features)
  - Linear Alignment
    - Pedestrian Facility Buffers
    - Adjacent Property Screening
- ▶ Requires CAC involvement to ensure context sensitivity
- ▶ Allows for range of ownership options to preserve flexibility – fee, easement, access agreement
- ▶ Includes landscape maintenance expectations
- ▶ Flexibility for residential property owners
  - Property owner can agree to reduce (maintains flexibility)
  - 15 foot minimum required (maintains corridor continuity)

# 112<sup>th</sup> Screening Visualization

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# 112<sup>th</sup> Screening Visualization



# Critical Areas Treatment – LUC 20.25M.040.I

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- ▶ Determined based on Use Approval Process
- ▶ When DA, Ordinance or Resolution adopted:
  - Regional Transit Authority not required to demonstrate “no technically feasible alternative with less impacts”
  - Deference given to Council alignment preference
- ▶ When no DA, Ordinance or Resolution:
  - Regional Transit Authority required to demonstrate “no technically feasible alternative with less impacts”
- ▶ Consistent with approach included in Shoreline Update by Planning Commission for City facilities such as road and utility projects

# Administrative Modification Process– 20.25M.060

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- ▶ Identified in MOU for inclusion in amendment
- ▶ Modification approval requires finding of:
  - Minimum necessary to construct or operate system; or
  - Relationship to City Council actions (e.g., DA, cost savings, or Street Design Standard amendments)
- ▶ Limitations on modifications similar to those imposed on Variances:
  - No modifications allowed to uses
  - No modifications allowed to process provisions
  - No modifications allowed to provisions specifically identified by Overlay as not subject to modification (Ex: minimum residential 15 foot landscape screen)

# Conformance Amendments – Consistency between Overlay and Land Use Code

- ▶ Use Chart amended to implement two process path
- ▶ Right of Way special dedications expanded to include light rail alignment
  - Applies in Downtown and Bel-Red when owners agree to dedicate for transportation improvements without taking compensation
  - Allows FAR to be retained on remaining parcel
  - Property acquisition savings can benefit City
- ▶ Use and Development chart amended to implement critical area provisions of the Overlay
- ▶ Procedures chapter amended to incorporate:
  - New consolidated Design and Mitigation permit
  - Pre-Application conference requirement
- ▶ Vesting provisions made consistent with Overlay
- ▶ Treatment of nonconformities expanded to light rail

# Council Input Needed

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- ▶ Following Public Hearing:
  - Confirm Content of Draft Overlay and Conformance Amendments
  - Direct staff to bring ordinances back for final action

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# PUBLIC HEARING

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For more information, see East Link Project website at:  
<http://www.bellevuewa.gov/light-rail-overlay.htm>

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# COUNCIL DISCUSSION

- ▶ Questions?
- ▶ Confirm Content of Draft Overlay and Conformance Amendments
- ▶ Direct staff to bring ordinances back for final action

# Next Steps and Key Dates

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- ▶ Early February – SEPA Threshold Determination
- ▶ February 11 – Public Hearing
- ▶ February 19/25 – Opportunity for Council Action



# Who May Apply

Who may apply for permit		
<p>Sound Transit only after commencement of its property acquisition process*</p> <p>*Not all acquisitions will require condemnation</p>	<ul style="list-style-type: none"> <li>• Provides notice to property owners who may be impacted by permit</li> <li>• Can be coordinated with existing Sound Transit acquisition process</li> <li>• Does not eliminate or modify ST's state and federal property acquisition requirements</li> </ul>	<p>Difficult to determine, may have minor impact on timing of permit application</p>
<p>Sound Transit with or without property owner consent</p>	<ul style="list-style-type: none"> <li>• Consistent with City practice on other public projects (PSE, City)</li> <li>• Allows for simultaneous pursuit of permits and ROW acquisition; typical for large public projects</li> </ul>	<p>Would not impact current permit application schedule</p>
<p>Sound Transit only after formal commencement of condemnation</p>	<ul style="list-style-type: none"> <li>• Allows property owners unwilling to convey property to Sound Transit to control timing of permit application</li> <li>• Treats project differently from other large public project where agency has condemnation authority</li> </ul>	<p>Significant delay to timing of permit application (12 to 18 month impact) with associated project costs</p>

# Who May Apply – Acquisition Process Milestones (Highlights)

Process Milestone	Nature of Contact	Timing
Publication of Draft EIS	Letter to potentially affected property owners	Complete
Project Updates and Outreach	Letter to potentially affected property owners of all public meeting/outreach opportunities	Complete & On-going
Sound Transit Board takes formal action to authorize acquisition	Certified letter to property owners	Typ. 60% design
Letter of Intent to Acquire Property	Notifies owner that Board has approved acquisition	Follows Bd. action
Property Appraisal	Letter to owner; opportunity to be present during inspection	
Letter of Offer	Formal offer to purchase at appraised amount	
Condemnation Petition	Only where necessary to complete acquisition	

# Who May Apply – Changes in Response to Council Feedback

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- ▶ Added conditions that must be met before applications can be made by a Regional Transit Authority
- ▶ Regional Transit Authority must have:
  - Property interest
  - Consent of the owner, or
  - Board authorization to acquire

# Definitions

Treatment of OMSF in Overlay		
<p>Delete OMSF from definition of facilities addressed in Overlay; subject OMSF to existing CUP and EPF requirements</p>	<ul style="list-style-type: none"> <li>• Consistent with CDP/MOU commitments</li> <li>• Allows for greater understanding of likely impacts through Sound Transit’s environmental review process</li> <li>• Maintains maximum flexibility to respond to OMSF</li> </ul>	
<p>Include OMSF within overlay with specific standards and guidelines</p>	<ul style="list-style-type: none"> <li>• Likely impacts overall Overlay action date (resulting impact on East Link permitting schedule and project cost)</li> <li>• Currently insufficient information to understand magnitude of use and potential impacts</li> </ul>	<p>Delay in Overlay may impact permitting schedule and project cost</p>

# Definitions –

## Changes in Response to Council Feedback

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- ▶ Defined Operations and Maintenance Satellite Facility (OMSF) – 20.25M.020.C
- ▶ Specifically Excluded OMSF from inclusion in the Overlay – 20.25M.020.D
- ▶ Added a definition of “Light Rail Best Practices” – 20.25M.020.B
- ▶ Plan to add definition of Regional Transit Authority prior to public hearing

# Required Use Approval – Two Process Path

Permit Process		
<p>Overlay with consolidated approvals through two process paths including formal CAC; Separate shoreline permit required and may be pursued independently</p>	<ul style="list-style-type: none"> <li>• Maintains flexibility for future decisions on alignment and MOU offramp</li> <li>• Consistent with CDP/MOU goals of streamlined process</li> <li>• Allows ST ability to manage to construction schedule</li> <li>• Continued ability for Council input with Development Agreement</li> <li>• Clear process for citizen involvement through CAC</li> </ul>	<p>6-9 months for permit</p>
<p>Overlay with consolidated approvals with CUP required in all cases, including formal CAC; Allow for Development Agreement Separate shoreline permit required and may be pursued independently</p>	<ul style="list-style-type: none"> <li>• Council agreement on alignment does not impact permit path</li> <li>• Consolidated approvals address some CDP/MOU goals</li> <li>• Clear process for citizen involvement through CAC</li> <li>• Adds time to permitting process</li> <li>• Affects shoreline permitting process and timeline (shoreline conditional use permit required)</li> </ul>	<p>Could add 3 to 9 months in permitting time; impact to schedule affects project cost</p>
<p>No overlay; require use of existing permit process</p>	<ul style="list-style-type: none"> <li>• Gaps in existing code for design guidelines specific to light rail;</li> <li>• Gaps in existing code for elements constructed within City right of way</li> <li>• Does not respond to MOU/CDP goals</li> <li>• Increased uncertainty for Sound Transit</li> <li>• Less accessible to citizens for clear path to involvement and influence</li> </ul>	<p>Could add 6 to 12 months in permitting time; impact to schedule affects project cost</p>

# Use Approval Process– Changes in Response to Council Feedback

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- ▶ Development Agreement, Ordinance, Resolution
  - Alignment approval action may occur only after the Overlay is adopted – 20.25M.030.B.1.a
  - DA appeal is to Superior Court – 20.25M.030.B.1.b
- ▶ Conditional Use Permit – 20.25.030.B.2
  - EPF requirements apply if CUP required – 20.25M.030.B.2.a
  - CUP required when alignment not approved by DA, Ordinance or Resolution – 20.25M.030.B.2.b
  - Light Rail Best Practices specifically included in decision criterion – 20.25M.030.B.2.c.i
  - Process I HE review required– 20.25M.030.B.2.d

# Development Agreement

## Process Milestones\*

Milestone	Required Process
Public Notice of Application?	Yes; SEPA applies to development agreements, so a notice of SEPA review will alert public to development agreement and process
Public Hearing?	Yes, public hearing with City Council, by practice noticed both in Weekly Permit Bulletin and through normal Council noticing procedures
Decision Maker on Development Agreement?	City Council, through a legislative action
Administrative Appeal of Development Agreement?	No, no administrative appeal of Council action on development agreement
Judicial Appeal of Development Agreement?	Yes, appeal available to Superior Court

\*Process requirements outlined in RCW 36.70B; based on Development Agreement that does not include a specific permit approval, but rather includes standards that guide future permit review; process different if DA includes permit approvals.

# Conditional Use Permit Process Milestones

Milestone	CUP – Process I
Notice of Application	Yes, requires published & mailed notice
Public Meeting	Yes, required as early in review as possible
Public Hearing	Required with Hearing Examiner
Decision Maker on Permit?	Hearing Examiner, after hearing
Administrative Appeal of CUP?	Yes, to City Council after Hearing Examiner decision
Judicial Appeal of CUP?	Yes, appeal available to Superior Court

# Design and Mitigation Review

Compliance with other City codes		
<p>Include requirement that project comply with all other city codes, now or as amended</p>	<ul style="list-style-type: none"> <li>• Codifies existing requirement to create clear expectations</li> <li>• Avoids creating new or different standards for issues already regulated in other City codes (noise, street construction standards, building codes)</li> </ul>	
<p>Duplicate or create new requirements within Land Use Code</p>	<ul style="list-style-type: none"> <li>• Consolidates requirements in single code</li> <li>• Potential for inconsistencies over time</li> <li>• Burdensome for public and reviewers to use and understand LUC</li> <li>• Potential permit delay if technical code compliance requires higher level of engineering design that typically required for land use permit</li> </ul>	

# Design and Mitigation Review – Changes in Response to Council Feedback

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- ▶ Scope of approval (20.25M.030.C.2) requires consistency with:
  - Comp Plan and Light Rail Best Practices
  - Previously approved DA or CUP
  - Applicable requirements of Bellevue City Code
- ▶ Decision Criteria (20.25M.030.C.3) expanded to include:
  - Compliance with CAC review requirements
  - Light Rail Best Practices
  - Applicable requirements of Bellevue City Code
  - Consolidation of Process II permits (except shorelines)

# Process Differences

## Conditional Use Permit

- Notice
- Public Meeting
- Director Recommendation
- HE Public Hearing and Final Decision

### Appeal Filed

- CC Hearing
- CC Final Decision
- SHB Appeal Possible
- DOE Approval

### No Appeal

- DOE Approval

## Shoreline Substantial Development Permit

- Notice
- Optional Public Meeting
- Director Decision
- Submit to DOE

### Appeal Filed

- SHB Hearing
- SHB Final Decision

### No Appeal

- Approved

# Design & Mitigation Permit Process II Milestones

Milestone	Required Process
Notice of Application	Yes, requires published & mailed notice
Public Meeting	Optional; not required for all Process II, but could be included in proposed amendment
Public Hearing	No; public comment period exists but does not include hearing
Decision Maker on Permit?	Director of Development Services Department
Administrative Appeal available?	Yes; appeal to Hearing Examiner
Judicial Appeal available?	Yes; Hearing Examiner's decision on appeal is appealable to Superior Court

# Citizen Advisory Committee Review Integrated into Permitting Process

<b>CAC Review Phases</b>	<b>Regional Transit Authority Design Phases</b>	<b>City Overlay Permit Phases</b>
Context Setting	Preliminary Engineering Phase (0-30% Design)	Pre-Application Conference
Schematic Design	Design Phase (35% Design)  (65% Design)  (90-100% Design)	Pre-Development Consultation
Design Development		Land Use Permits  (CUP in absence of Development Agreement, and Design and Mitigation Permits)
Construction Documents		Building Permits

# CAC Involvement – Changes in Response to Council Feedback

- ▶ New code section added – 20.25M.035 includes:
  - Purpose of the CAC
  - Formation timing and desired member experience
  - Scope of CAC work
  - Involvement process for CAC – including timing and consolidation expectations
  - Anticipated CAC Work Product
  - Policy\* and Regulatory guidance for CAC work
  - Meeting operations for CAC

\*Linked to more robust Design Guideline Intent/Context Considerations to be discussed later in the Study Session presentation

# Development Standards – 20.25M.040

- ▶ Height Limitations
- ▶ Setbacks
- ▶ Landscape Development
- ▶ Critical Areas
- ▶ Other Design and Mitigation Requirements
  - Fencing
  - Mechanical Equipment
  - Parking and Circulation

# Height Limitations

Light Rail Facility Heights		
<p>Allow for minimum height necessary to accommodate agreed alignment*</p> <p>*Design guidelines will include requirement for screening and softening of structures, including parking structure rooftop</p>	<ul style="list-style-type: none"> <li>• Consistent with MOU/CDP goals</li> <li>• Consistent with treatment of EPF</li> <li>• Provides greater near-term certainty for Sound Transit</li> <li>• Formal CAC will provide input on screening and softening issues</li> </ul>	
<p>Establish height limit consistent with underlying land use district, with ability to modify through permitting process</p>	<ul style="list-style-type: none"> <li>• Similar to treatment of other EPF through LUC Section 20.20.350</li> <li>• Creates uncertainty until permitting process complete</li> </ul>	

# Height Limitations – 20.25M.040.B.1

## Changes in Response to Council Feedback

- ▶ Determined based on Use Approval Process
- ▶ When DA, Ordinance or Resolution adopted:
  - Allowable height dictated by alignment preference
- ▶ When no DA, Ordinance or Resolution:
  - Height limit as required for underlying land use district
  - Requests to exceed height limit processed pursuant to EPF requirements:
    - Minimum necessary for effective functioning
    - Visual and aesthetic impacts mitigated to the greatest extent feasible

# Setbacks

Setbacks (Area without structures measured from a property line)		
<p>Traditional setbacks* apply to structures like TPSS and parking garage but does not apply to linear track</p> <p>*Note that setbacks are distinct from buffer areas. Landscape buffers are required from linear track segments and are described below</p>	<ul style="list-style-type: none"> <li>• Helps manage project costs</li> <li>• Minimizes taking of private property</li> <li>• Treats linear track segments of alignment like other kinds of transportation ROW</li> </ul>	
<p>Require structure setback of defined width from all portions of the facility, including track segments</p>	<ul style="list-style-type: none"> <li>• Drives additional property acquisition</li> <li>• May create additional non-conforming sites by reduction of adjacent yard setbacks</li> </ul>	<p>Significant cost increases with acquisition of additional property</p>

# Setbacks – 20.25M.040.B.2

## Changes in Response to Council Feedback

- ▶ Setbacks as required for underlying land use district
- ▶ Exceptions to the general rule
  - Setbacks not applicable to structures located in City or WSDOT right of way
  - Track alignment not considered a structure that requires a setback (this exception specifically not applicable to track used solely for maintenance, repair, storage)
- ▶ Landscape Buffers and Screening required independent of the setback requirement

# Street (Public ROW)

Landscape Buffer in private ownership

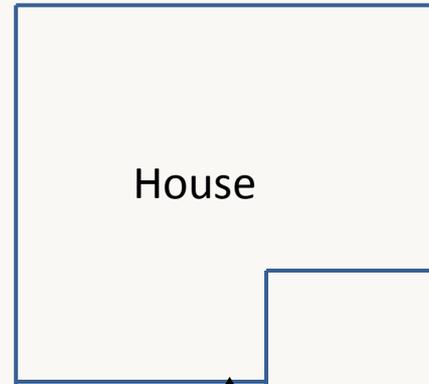


Property Line

Building Setback

Property Line

Landscape Buffer in Sound Transit ownership



Property Line

Building Setback

(Alt. Property Line)

Property Line

30' Landscaping

Transition Area Landscaping Standard

# Light Rail Alignment

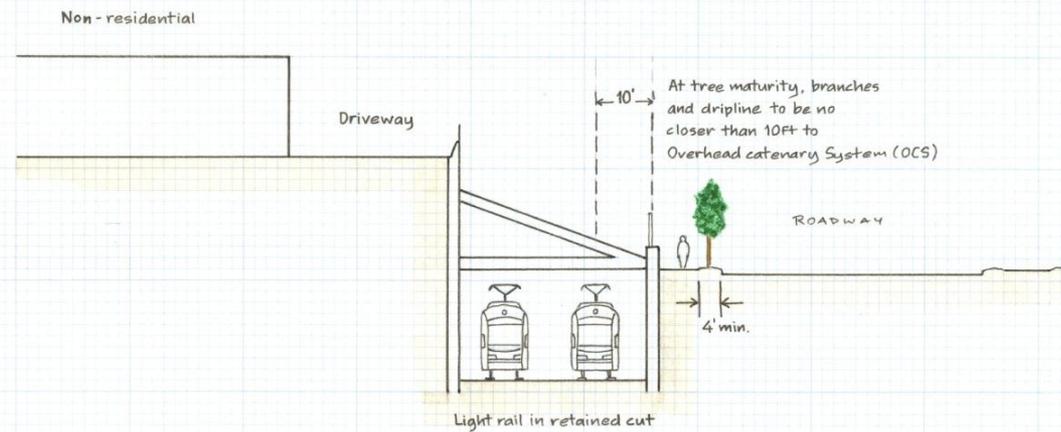
# Landscape Development – ROW Buffer

Landscaping (Street side)		
Require consistent with street frontage requirements for city projects (vary by land use district)	<ul style="list-style-type: none"> <li>• Allows maximum flexibility to respond to context</li> <li>• Formal CAC provides input and guidance on landscaping</li> </ul>	
Require dense or continuous vegetation between tracks and any pedestrian or bike facility, regardless of land use district	<ul style="list-style-type: none"> <li>• Less flexibility</li> <li>• Potential improved environment for pedestrians</li> <li>• May require additional right-of-way with associated cost impacts</li> <li>• Potential ROW user safety issues (sight distance)</li> <li>• Formal CAC would provide input on landscape design</li> </ul>	Need for additional ROW increases project cost

# Right of Way Buffer – 20.25M.040.C.3.a.i.(1)

## Sidewalk Between Light Rail and Right-of-Way

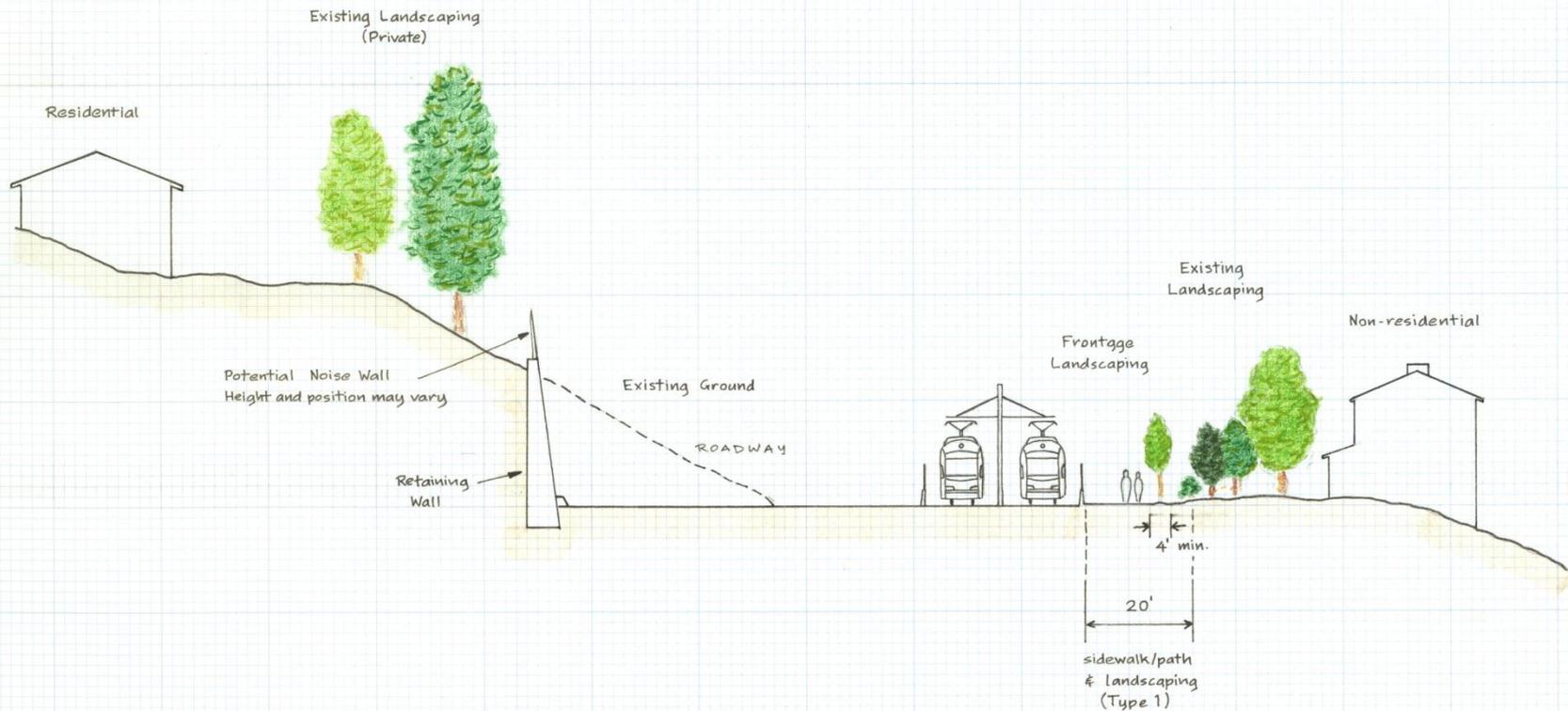
CONDITION:  
Pedestrian facilities  
between the light rail use  
and the transportation  
right-of-way



# Right of Way Buffer – 20.25M.040.C.3.a.i.(2)

## Sidewalk between Light Rail and Adjacent Property

CONDITION:  
Pedestrian facilities between  
the light rail use and  
developed properties

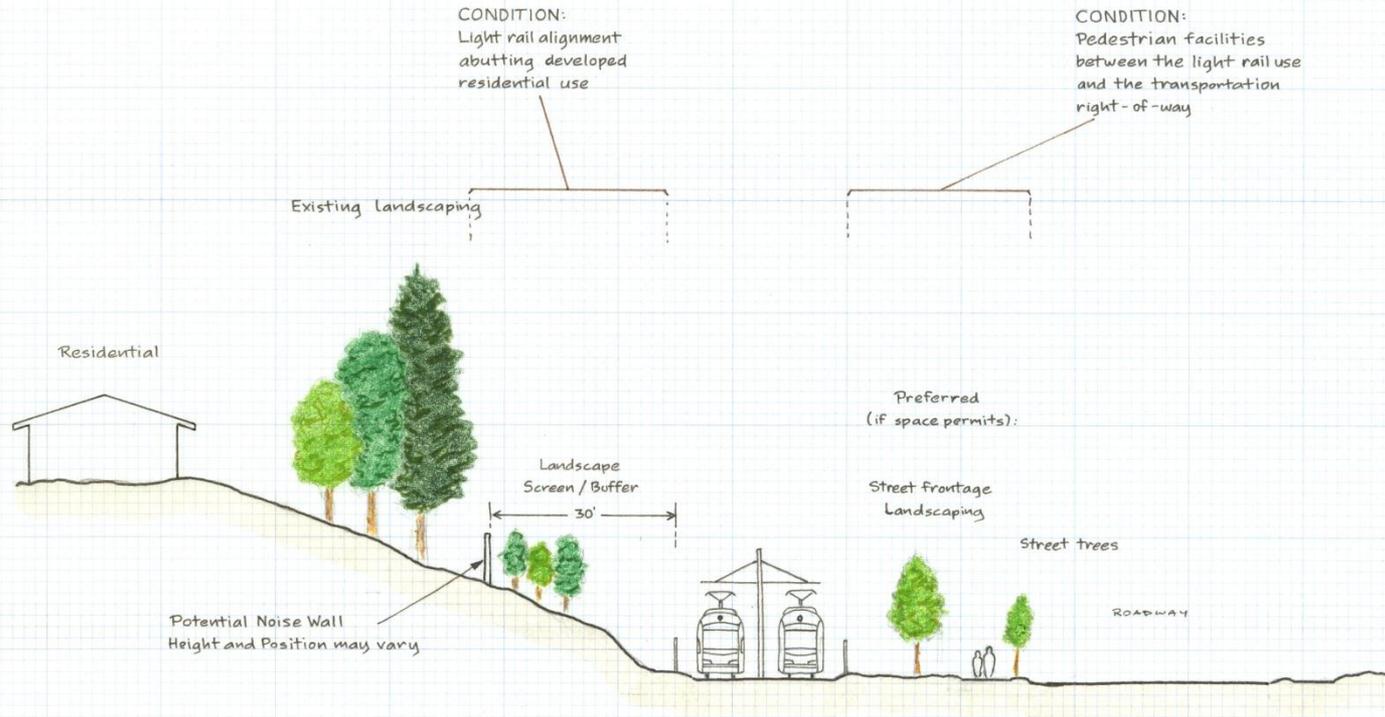


# Landscape Development – Residential Development Screening

Landscaping (Adjacent to private property)		
<p>Require 30 feet of Type 1 (dense, screening) landscaping buffer adjacent to residential properties*; context sensitive landscaping consistent with underlying requirements for other land use districts</p> <p>*Landscaping could be located on private property . Noise walls may be located within this area. Landscaping depth and type may be modified on “private” side of any noise wall with property owner agreement</p>	<ul style="list-style-type: none"> <li>• Provides maximum opportunity to buffer potential incompatible impacts between light rail and single-family residential uses</li> <li>• Maximum flexibility to respond to residential property owner interests</li> <li>• Formal CAC provides input and guidance on landscaping</li> </ul>	<p>Depth and density of landscaping may have minor project cost impact</p>
<p>As above with increased buffer dimension</p>	<ul style="list-style-type: none"> <li>• Depending on magnitude of dimensional increase, more right of way necessary with associated cost impacts</li> <li>• More landscaping than required for other transition or buffer areas in City</li> </ul>	<p>Cost impact varies</p>

# Residential Development Screening

— 20.25M.040.C.3.a.iii



# Landscape Development – 20.25M.040.C

## Changes in Response to Council Feedback

- ▶ Added applicability section to address gap areas
- ▶ Added purpose and intent sections to clarify screening and buffering objectives
- ▶ Added landscape screening standards for
  - Non-Linear Facilities (TPSS/other above ground features)
  - Linear Alignment
    - Pedestrian Facility Buffers
    - Adjacent Property Screening
- ▶ CAC involvement to ensure Context Sensitivity
- ▶ Landscape area ownership –fee, easement, access
- ▶ Landscape maintenance expectations
- ▶ Limitations on screening modification
  - Property owner can agree to reduce (maintains flexibility)
  - 15 foot minimum required (maintains corridor continuity)

# Treatment of Critical Areas

Critical Areas Treatment		
<p><b>Adopt critical areas overlay by reference; allow for relief from technical alternatives analysis with Council approval*</b></p> <p><b>*Council approval could be through Development Agreement, ordinance, or resolution</b></p>	<ul style="list-style-type: none"> <li>• <b>Consistent with proposed treatment of city infrastructure and parks projects through PC recommendation on shorelines work</b></li> <li>• <b>Ensures that impacts on critical areas are mitigated to the same level and extent as any other project in the city with impacts on critical areas</b></li> <li>• <b>Manages community expectations on alignment</b></li> </ul>	
<p>As above EXCEPT require technical alternatives analysis</p>	<ul style="list-style-type: none"> <li>• <b>Creates uncertainty as to final alignment</b></li> <li>• <b>Potentially inconsistent with other statutory provisions regarding light rail provider authority and EPF</b></li> <li>• <b>Impacts shoreline permits and timing as well</b></li> </ul>	<p>Potential project delay and associated cost impacts</p>

# Critical Areas Treatment – 20.25M.040.1

## Changes in Response to Council Feedback

- ▶ Determined based on Use Approval Process
- ▶ When DA, Ordinance or Resolution adopted:
  - Regional Transit Authority not required to demonstrate “no technically feasible alternative with less impacts”
  - Deference given to Council alignment preference
- ▶ When no DA, Ordinance or Resolution:
  - Regional Transit Authority required to demonstrate “no technically feasible alternative with less impacts”
- ▶ Consistent with approach included in Shoreline Update by Planning Commission for City facilities such as road and utility projects

# Other Development Standards– Changes in Response to Council Feedback

- ▶ Context Sensitivity requirement added for design features:
  - Landscape Development – 20.25M.040.C
  - Fencing – 20.25M.040.D
  - Mechanical Equipment – 20.25M.040.F
- ▶ Impact mitigation requirement added to Parking and Circulation standards
  - Stations without parking facilities must develop management plan to address potential “drop-off” impacts – 20.25M.040.G.4

# Council Direction on Design Guidelines

- ▶ Additional content required:
  - Guidelines need to be more thoroughly developed
- ▶ Relationship to CAC must be clear
  - CAC needs direction on how to use the guidelines in their work

# Design Guidelines – 20.25M.050

## Changes in Response to Council Feedback

- ▶ Intent added to clarify Guideline purpose to:
  - Ensure facility design is consistent with Comp Plan including Light Rail Best Practices
  - Provide guidance to CAC on existing and planned context through which alignment passes
  - Guide CAC review of design for context sensitivity
- ▶ Context/Design Considerations added by Subarea
- ▶ Section of Overlay reorganized
  - General Guidelines applicable to System or Facility
  - Additional guidelines for specific facility components (e.g., TPSS)

# Administrative Modification Process

Administrative Modification Process		
<p><b>Allow modification of otherwise applicable standards where necessary to accommodate other Council decisions</b></p>	<ul style="list-style-type: none"> <li>• <b>Allows for flexibility to address future decisions on alignment and cost savings without need for additional code amendment</b></li> <li>• <b>Consistent with MOU goals</b></li> <li>• <b>Consistent with EPF requirements</b></li> </ul>	
<p>Only allow modification where necessary to make light rail practicable</p>	<ul style="list-style-type: none"> <li>• Meets minimum EPF requirements</li> <li>• Creates uncertainty for Sound Transit</li> <li>• May require additional code amendments depending on outcome of future alignment decisions</li> </ul>	

# Administrative Modification Process – Changes in Response to Council Feedback

- ▶ Section reorganized – 20.25M.060
  - Decision criteria consolidated into a new paragraph
  - Limitations on modifications added
- ▶ Limitations similar to those imposed on Variances:
  - No modifications allowed to uses
  - No modifications allowed to process provisions
  - No modifications allowed to provisions specifically identified by Overlay as not subject to modification (example – minimum 15 foot landscape screen)

# Treatment of Nonconformities

Treatment of any created non-conformities		
Specifically acknowledge that any non-conforming site condition (lot size, etc.) resulting from property acquisition for public project is a legal non-conformity	<ul style="list-style-type: none"> <li>• Codifies existing City practice with respect to other public projects</li> <li>• Provide certainty for any property owner impacted by partial acquisitions</li> </ul>	
Do not modify existing non-conforming definitions	<ul style="list-style-type: none"> <li>• Maintains status quo administered by staff</li> <li>• Creates uncertainty for property owners left with modified lot dimensions</li> </ul>	

# Treatment of Nonconformities– Changes in Response to Council Feedback

- ▶ Included in conformance amendments:
  - Located at the end of the Light Rail Overlay
  - Amendments proposed to ensure consistent with sections of the Land Use Code outside the Overlay
  
- ▶ Definitions section of the Land Use Code – Chapter 20.50 recommended for modification
  - Consistent with current practice for City and WSDOT transportation projects
  - Provides certainty for property owners where a portion of their property is acquired for:
    - Public right of way
    - Regional Light Rail Transit System or Facility
  - Protects legal status of property even when modified by partial take necessary for transportation–related project